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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,585	07/22/2003	Robert J. Kirch	2087/US	7741

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EXAMINER

SWIATEK, ROBERT P

ART UNIT PAPER NUMBER

3643

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,585

Applicant(s)

KIRCH ET AL.

Examiner

Robert P. Swiatek

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 14, 15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 9, 13 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Havener (US 3,341,909). The Havener clamp includes a base 20-26, a means 61 for connecting a leash to the base, and a threaded bolt (“pressing mechanism”) by which the clamp could be affixed to a doorjamb. A ring of a chain 65 is shown attached to a ring hook 64 associated with a first side of the clamp base.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 10-12, 14, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havener in view of Aubert (US 2,042,086). The Havener clamp lacks a base pad and a press platform. However, it would have been obvious to one skilled in the art to employ a base pad and press platform with the first side and bolt of Havener, in view of the patent to Aubert (see elements 23 of Aubert) that a base pad and press platform permit the clamp to more securely grasp an article it is being used to hold. As to claims 8, 11, 14, use of a ring with the bolt of the

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combination clamp would have been obvious to one skilled in the art wishing to convert the bolt into an additional attachment point.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Flora et al. (US 5,711,397). The Flora et al. patent discloses a clamp device including a first side 46, a second side 48, a third side 40, and a ring 86. Elements 50, 100 permit sides 46, 48 to be adjusted relative to one another along third side 40. The preamble has not been given weight inasmuch as the Flora et al. device is capable of being attached to a door.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flora et al. Although shims are not disclosed as being used in conjunction with sides 46, 48 of Flora et al., use of such elements would have been obvious to one skilled in the art wishing to permit the device to be attached to beams or other articles having widths smaller than the minimum distance to which the sides 46, 48 can be moved.

Claims 9, 13, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The abstract of the disclosure is objected to because in line 2, "is disclosed" should be deleted. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 8, line 22, "snuggly" should be corrected to -snugly-.

Appropriate correction is required.

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The patents to Johnson (US 2,243,468), Nadelson (US 2,470,318), and Krietzman et al. (US 5,829,391) have been cited to provide additional examples of clamping devices.

RPS: ©703/308-2700
12 November 2004

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
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